

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5855 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PORBANDAR NAGARPALIKA

Versus

COLLECTOR

Appearance:

MR AR THACKER for Petitioners

Mr.S.A.Pandya, learned A.G.P. for the respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 01/12/98

ORAL JUDGEMENT

The learned counsel for the petitioner submits that the prayer contained in para 11(A) does not survive. The notice of this petition was given only in respect to the prayer made in Para 11(B). Rule. Mr.Pandya, learned A.G.P.waives service of rule on behalf of respondents.

On the request of both the sides and in the facts and circumstances of this case, the matter deserves to be finally decided right today.

The only question, which survives, is with regard to the sanction of the post of Health Officer and further that the Porbandar Nagarpalika may not be restrained from making appointments on the posts of Sanitary Inspectors and Anti Filaria Inspectors. There cannot be any doubt that these posts are essential for the basic functions of the Nagar Palika. No reason has been pointed out on behalf of the respondents as to why the sanction to the post of Health Officer has not been given nor anything has been pointed out as to why the Nagar Palika should be restrained from appointing Sanitary Inspectors and Anti Filaria Inspectors. In the facts and circumstances of this case, the respondents are, therefore, directed to consider the question of giving sanction for the post of Health Officer and leaving it open for the Nagar Palika to make appointments on the posts of Sanitary Inspectors and Anti Filaria Inspectors in accordance with law. The respondents may pass the orders in this regard at the earliest possible opportunity but in no case later than 31.12.98 and it is further clarified that while passing such orders, it will be open for the concerned authorities and respondents to impose such conditions as are permissible under the law and it will be the duty of the Nagar Palika to follow the relevant provisions of Statute. This Special Civil Application is allowed in the terms, as aforesaid and Rule is made absolute accordingly. No order as to costs. Direct service is permitted.